

Kansas State Statues

Clean Indoor Air

Public Places

Smoking is restricted to designated areas in enclosed indoor areas open to, or used by, the general public including, but not limited to, retail stores, libraries, courtrooms, rest rooms, grocery stores, museums, theaters, auditoriums, arenas, and recreational facilities. Smoking is prohibited entirely in passenger elevators and public means of transportation. Signs shall be posted designating smoking and nonsmoking areas.

KAN. STAT. ANN. §§ 21-4009 et seq. (1987).

Government Buildings

Smoking is restricted to designated areas in state, county or municipal buildings.

KAN. STAT. ANN. §§ 21-4009 et seq. (1987).

No person shall smoke in any area, room, hallway, or other place in the state capitol and no area shall be designated as a smoking area.

KAN. STAT. ANN. § 21-4016 (1993).

Private Workplaces

None

Schools

The use of tobacco products in any public school building is prohibited. A school building is defined as an enclosed building used for pupil attendance purposes by the board of education of a unified school district. Not included are buildings or portions thereof used for residential purposes or leased from the school district for non-school sponsored activities.

KAN. STAT. ANN. § 72-53,107 (1988).

Smoking is also prohibited on school buses.

KAN. STAT. ANN. §§ 21-4009 et seq. (1987).

Child Care Centers

Smoking is prohibited in day care homes, group day care homes and family day care homes during hours of operation. The secretary of health and environment may levy a civil fine against any day care home for a first or second violation, and suspend the license for third or subsequent violations.

KAN. STAT. ANN. § 65-530 (1994).

Health Facilities

Smoking is forbidden in hospitals, ambulatory surgery centers or recuperation centers, and any licensed psychiatric hospital, except that a smoking area may be established within a licensed long-term care unit if such area is well ventilated.

KAN. STAT. ANN. § 21-4017 (1993).

Smoking is restricted to designated areas in other places where health care services are provided to the public.

KAN. STAT. ANN. §§ 21-4009 et seq. (1987).

Restaurants

Smoking is restricted to designated areas in restaurants.

KAN. STAT. ANN. §§ 21-4009 et seq. (1987).

Tobacco Excise Tax

Cigarettes

Tax rate per pack of 20: 79 cents

Date last changed: January 1, 2002 -- 70 cents to 79 cents

Year first enacted: 1927

KAN. STAT. ANN. § 74-8492 (2002).

Other Tobacco Products

Chewing tobacco and snuff: 10% of manufacturer's net price.

KAN. STAT. ANN. §§ 79-3301 et seq. (1985).

Revenue Collected

\$48,816,000

Youth Access

Compliance Enforcement

None.

Penalty

It is unlawful to sell, furnish or distribute cigarettes and smokeless tobacco to any person under 18. It is a class B misdemeanor punishable by a minimum fine of \$200 for any person to: (1) Sell, give or furnish any cigarettes or tobacco products to any person under 18 years of age; or (2) buy any cigarettes or tobacco products for any person under 18 years of age. It is a defense to prosecution if the person under 18 years of age exhibited a driver's license, or other official document containing a photograph, showing they were of legal age.

KAN. STAT. ANN. §§ 79-3321 and 79-3322 (1996).

Penalties to Minors

It is unlawful for any person under 18 years of age to purchase or attempt to purchase cigarettes or tobacco products. It is unlawful for any person who is under 18 years of age to possess or attempt to possess cigarettes or tobacco products. Violators shall be sentenced to pay a fine of \$25.

KAN. STAT. ANN. §§ 79-3321 and 79-3322 (1996).

Placement

None.

Restrictions on Distribution of Tobacco Product Samples or Sales of Single Cigarettes

Samples

It is unlawful for any person to distribute samples within 500 feet of any school when such facility is being used primarily by persons under 18 years of age unless the sampling is: (1) In an area to which persons under 18 years of age are denied access; (2) in or at a retail location where cigarettes and tobacco products are the primary commodity offered for sale at retail; or (3) at or adjacent to an outdoor production, repair or construction site or facility.

KAN. STAT. ANN. § 79-3321 (1996).

Violators are guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$1000, up to one year in prison, or both.

KAN. STAT. ANN. § 79-3322 (1996).

Single Cigarettes

None.

Restrictions on Sale of Tobacco Products in Vending Machines

Placement

It is unlawful for any person to sell cigarettes or tobacco products by means of a vending machine in any establishment, or portion of an establishment, which is open to minors, except: (1) installation and use behind the counter; (2) installation and use in a commercial building or industrial plant; or (3) vending machines with lockout devices.

KAN. STAT. ANN. § 79-3321 (1996).

Penalty

Violators are guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$1000, up to one year in prison, or both.

KAN. STAT. ANN. § 79-3322 (1996).

Sign Posting

It is unlawful for any person to sell cigarettes or tobacco products by means of a vending machine in any establishment, or portion of an establishment, which is open to minors, except: (1) installation and use behind the counter; (2) installation and use in a commercial building or industrial plant; or (3) vending machines with lockout devices.

KAN. STAT. ANN. § 79-3321 (1996).

Licensing Requirements

Requirements

Retailers, wholesalers, and vending machine operators must be licensed to sell cigarettes.

Licenses are renewed every two years.

KAN. STAT. ANN. § 79-3303 (1993).

A vending machine operator is required to obtain a vending machine operator's master license and, in addition, a separate permit for each vending machine operated by the operator.
KAN. STAT. ANN. § 79-3303 (1996).

Fee

\$25 for each retail establishment, \$50 for retailer's license on railroad or sleeper cars. For wholesale dealer's license, \$50 for each dealer establishment, for temporary show, carnival or catering license, \$50 for each concession. For manufacturer's salesperson license, \$20 for each salesperson. \$50 for vending machine distributor license, no fee for vending machine operator's license and \$25 permit for each vending machine.
KAN. STAT. ANN. § 79-3304 (1996).

Penalty for Sales to Minors

None

Smoker Protection Laws

None.

Advertising and Promotion

None.

Product Disclosure

None.

Tobacco Divestment

None.

Tobacco Liability

None.

Tobacco Settlement

Appropriates \$500,000 from MSA funds to tobacco control and prevention. FY 2003 Appropriations.

Information taken from American Lung Association's State Legislated Actions on Tobacco Issues 2002. Last Updated: 5/13/2003